

JUL 18 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

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Total Number of Pages in This Submission

Application Number	10/765,449
Filing Date	01/27/2004
First Named Inventor	WILLIAM A WILES
Art Unit	3785
Examiner Name	
Total Number of Pages in This Submission	27
Attorney Docket Number	WILES -005

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) _____ <input type="checkbox"/> Landscapes Table on CD	
<input type="checkbox"/> Extension of Time Request		
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<p><b>Remarks</b></p> <p>RENEWED PETITION COVER LETTER RENEWED PETITION AND REQUEST FOR CONSIDERATION EXHIBIT A RENEWED PETITION AND REQUEST FOR RECONSIDERATION STATEMENT ATTACHMENT A</p>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DONALD J LENKSZUS		
Signature	/Donald J Lenkszus/		
Printed name	DONALD J LENKSZUS		
Date	07/18/2005	Reg. No.	28.098

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	/Donald J Lenkszus/		
Typed or printed name	DONALD J LENKSZUS	Date	07/18/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.1 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 18 2005

Attorney's Docket No. WILES-005  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
WILLIAM A WILES  
Filed: 01/27/2004  
Title: HELMET HEAD CUSHION  
Serial No.: 10/765,449

Group: 3785

Office of Petitions  
Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.137(A)**

Responsive to the DECISION ON PETITION dated 07/08/2005, Applicant renews his petition for revival of the above-identified patent application as abandoned unavoidably under 37 CFR 1.137(a).

In accordance with the DECISION, Applicant files herewith a Request for Reconsideration.

Dated July 12, 2005

Respectfully submitted



Donald J Lenkszus, Reg No. 28,096  
Attorney for Applicant

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JUL 18 2005

Attorney's Docket No: WILES-005  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
WILLIAM A WILES  
Filed: 01/27/2004  
Title: HELMET HEAD CUSHION  
Serial No.: 10/765,449

Group: 3785

Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.137(A) AND REQUEST FOR  
RECONSIDERATION**

Filed herewith is a statement in support of the renewed petition and request for reconsideration.

The Decision on Petition appears to either contain typographical errors at page 2 or is factually erroneous.

The Petition under 37 CFR 1.137(a) was accompanied by:

- (1) a Response to the Notice of Missing Parts including both payment of the required fees and the required Declaration. A true copy of the Response is attached as Exhibit A. See the Response to Missing Parts, Declaration, PTO/sb/17 and PTO-2038 which includes payment of all fees plus the petition fee.
- (2) The petition fee set forth in 37 CFR 1.17(l) was included in the payment ( See Exhibit A, PTO/SB/17, PTO-2038, and PTO/SB/61 all clearly indicating that the petition fee of \$250 was paid.
- (3) A showing that the entire delay was unavoidable. In response to the specific requirements set forth in the Decision on Petition, a Statement is submitted herewith that meets the specific requirements set forth therein.
- (4) No terminal disclaimer is required pursuant to 1.137(d).

Reconsideration and a grant of the petition are respectfully requested.

Dated: July 18, 2005

Respectfully submitted  
DONALD J. LENKSZUS, P.C.



Donald J. Lenkszus, Reg. No. 28,096  
P.O. Box 3064  
Carefree, AZ 85377-3064  
Telephone: (602) 463-2010  
Facsimile: (480) 575-1321

**EXHIBIT A**

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
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Total Number of Pages in This Submission 18

Application Number	10765,449
Filing Date	01/27/2004
First Named Inventor	WILLIAM A WILES
Art Unit	3765
Examiner Name	
Attorney Docket Number WILES -005	

ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD. Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>POWER OF ATTORNEY</b> <b>NOTICE OF ABANDONMENT</b>	
Remarks			

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DONALD J LENKSZUS		
Signature	/Donald J. Lenkszus/		
Printed name	DONALD J LENKSZUS		
Date	03/31/2005	Reg. No.	28.006

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature	/Donald J Lenkszus/		
Typed or printed name	DONALD J LENKSZUS	Date	3/31/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount or time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	10/765,449
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	01/27/2004
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		First Named Inventor	WILLIAM A WILES
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		Examiner Name	
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		Art Unit	3765
<b>TOTAL AMOUNT OF PAYMENT</b> (\$)		Attorney Docket No.	WILES-005

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify):

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.18 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2938.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	500
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

Fee (\$)

200 100

Multiple dependent claims

Multiple Dependent ClaimsFee (\$)Fee Paid (\$)

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP =	0 x 25 =	0	

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	0 x 100 =	0	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	150 =	(round up to a whole number) x		

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): PETITION \$250 + SURCHARGE \$65

Fee Paid (\$)

\$315

**SUBMITTED BY**

<u>Signature</u>	/Donald J Lenkszus/	<u>Registration No.</u> (Attorney/Agent) 28,000	<u>Telephone</u> 802-463-2010
Name (Print/Type)	DONALD J LENKSZUS		Date 3/31/2005

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/61 (08-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional) <b>WILE5 -005</b>
First Named Inventor: <b>WILLIAM A WILES</b> Application Number: <b>10/765,449</b> Filed: <b>01/27/2004</b>	Art Unit: <b>3765</b>	Examiner:
Title: <b>HELMET HEAD CASQUE</b>		
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items:            (1) Petition fee.            (2) Reply and/or issue fee.            (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and            (4) Adequate showing of the cause of unavoidable delay.</p> <p><b>1. Petition fee</b>  <input checked="" type="checkbox"/> Small entity - fee \$ <u>250</u> (37 CFR 1.17(l)). Applicant claims small entity status.            See 37 CFR 1.27.  <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).</p> <p><b>2. Reply and/or fee</b>  <b>A</b> The reply and/or fee to the above-noted Office action in the form of            _____ (identify the type of reply):  <input type="checkbox"/> has been filed previously on _____.  <input checked="" type="checkbox"/> is enclosed herewith.</p> <p><b>B</b> The issue fee of \$ _____  <input type="checkbox"/> has been filed previously on _____.  <input type="checkbox"/> is enclosed herewith.</p>		

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
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PTO/SB/61 (09-04)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

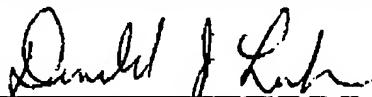
## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

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Signature

3/16/2005

Date

Donald J. Lenkszus

Typed or printed name

28,046

Registration Number, if applicable

P.O. Box 3064

Address

602-463-2010

Telephone Number

Carefree, AZ 85377

Address

Enclosure  Fee Payment

Reply RESUME to NOTICE OF MISSING/MAILED

Terminal Disclaimer Form

Additional sheets containing statements establishing unavoidable delay

Power of ATTORNEY

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

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deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9300.

Date

Signature

Donald J. Lenkszus

Typed or printed name of person signing certificate

[Page 2 of 3]

PTO/68/61 (09-04)

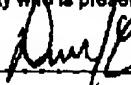
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Donald J. Lenkszus

Typed or printed name

3/31/2008

Date

28096

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The Filing Receipt and Notice of Missing Parts was not received until a telephonic request was made after receiving a Notice of Abandonment.

A status request was filed on 12/01/2007 (copy attached) - No response from OJPG was received. A telephonic request was also made and no response was received.

(Please attach additional sheets if additional space is needed.)

USPTO 12/1/2004 6:29 PM PAGE 1/001 Fax Server  
TO:Auto-reply fax to 480 595 7685 COMPANY:

## Auto-Reply Facsimile Transmission



TO: **Fax Sender at 480 595 7895**

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PTO/SB/21 (02-04)

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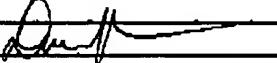
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		Application Number	10/765,449
		Filing Date	01/27/2004
		First Named Inventor	WILLIAM A WILES
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	2	Attorney Docket Number	WILES-003

## ENCLOSURES (Check all that apply)

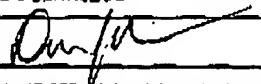
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DONALD J LENKSZUS, PC	
Signature		
Date	12/01/2004	

## CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	DONALD J LENKSZUS	
Signature		Date 12/01/2004

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If you need assistance in completing the form, call 1-800 PTO-9199 and select option 2.

*Attorney Docket No.: WILES-005*

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
WILLIAM A WILES :  
Serial No. 10/765,449 :  
Filed: 01/27/2004 :  
Title: HELMET HEAD CUSHION

Commissioner of Patents and Trademarks  
PO BOX 1450  
Alexandria, VA 22312-1450

**STATUS REQUEST**

Please advise me as to the status of the above-identified application.

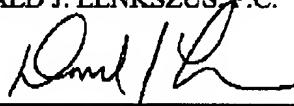
No filing receipt has been received. If a filing receipt and Notice of Missing Parts have been issued, please fax a copy to me at the fax number below.

I have made two telephonic inquiries to OIPE and have left messages both times and have received no response.

I am attorney of record in the application.

DONALD J. LENKSZUS, P.C.

Dated: December 1, 2004

By: 

DONALD J. LENKSZUS, Reg. No. 28,096  
P. O. BOX 3064  
CAREFREE, AZ 85377

Tel: 602-463-2010  
Fax 480-575-1321.

*Attorney's Docket No: WILES-005*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: :  
WILLIAM A WILES :  
Filed: 01/27/2004 : Group: 3785  
Title: HELMET HEAD CUSHION  
Serial No.: 10/765,449

MS Missing Parts  
Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF MISSING PARTS

Dear Sir:

Responsive to the NOTICE OF MISSING PARTS dated 06/15/2004 enclosed herewith are:

1. Declaration
2. Credit card payment of fees in amount of \$815.00
3. Copy of Formalities Letter

The fees have been calculated based upon the Fees effective December 8, 2004. In the event that there is an overpayment, it is requested that the overpayment be refunded by check to the undersigned, or credit applied to the account on form 2038 enclosed herewith.

Respectfully submitted,  
DONALD J. LENKSZUS, P.C.

Dated: March 31, 2005

/Donald J Lenkszus/

Donald J. Lenkszus, Reg. No. 28,096  
P.O. Box 3064  
Carefree, AZ 85377-3064

Telephone: (602) 463-2010  
Facsimile: (480) 575-1321

Mar 16 05 11:41a DONALD LENKSZUS  
83/15/2005 23:48 6237809757

480-575-1321

THE WILES COMPANIES

P.11

PAGE 11

PTO/SB/01 (08-05)

Approved for use through 07/31/2006. GPO: 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.83) Declaration Submitted With Initial Filing

OR

 Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	WILE8-005
First Named Inventor	WILLIAM A WILES
COMPLETE IF KNOWN	
Application Number	10/765,449
Filing Date	01/27/2004
Art Unit	3766
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HELMET HEAD CUSHION

(Title of the Invention)

the specification of which

 is attached hereto

OR

 was filed on (MM/DD/YYYY) 01/27/2004 as United States Application Number or PCT InternationalApplication Number 10/765,449 and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 366(a) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes <input type="checkbox"/> No <input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9119 and select option 2.

Mar 16 05 11:41a DONALD LENKSZUS  
03/15/2005 23:48 5237809757

480-575-1321

THE WILES COMPANIES

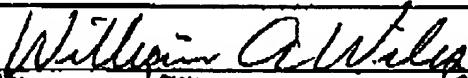
P. 12  
PAGE 12

PTO/SB/01 (06-03)

Approved for use through 07/31/2003. GMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: <input type="text"/> CIR <input checked="" type="checkbox"/> Correspondence address below			
Name DONALD J LENKSZUS, PC			
Address PO BOX 3064			
City CAREFREE		State AZ	ZIP 85377-3064
Country USA		Telephone 602-463-2010	Fax 480-575-1321
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) WILLIAM A.		Family Name or Surname WILES	
Inventor's Signature 		Date 03/18/2005	
Residence: City PHOENIX	State ARIZONA	Country USA	Citizenship USA
Mailing Address 2005 W ROSE GARDEN LANE, BLDG B			
City PHOENIX	State ARIZONA	ZIP 85027	Country USA
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
<input type="checkbox"/> Additional inventors or a legal representative are being named on the <input type="text"/> supplemental sheet(s) PTO/SB/02A or D2LR attached hereto.			

[Page 2 of 2]

Page 1 of 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Advanced Office of Patent  
 1100 L Street, NW  
 Washington, DC 20591-0000  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (6) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/763,449	01/27/2004	William A. Wiles	WTI-ES-005

CONFIRMATION NO. 8575

## FORMALITIES LETTER

RECEIVED  
 \*OC000000012948216\*

Date Mailed: 06/15/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.63(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(e).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$450 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

Monday, July 18, 2005 4:11 PM

DONALD LENKSZUS 480-595-7695

p.19

Mar 14 06 01:18P DONALD LENKSZUS  
03/14/05 04:23 **13**

480-575-1321

P.2  
2002

Page 2 of 2

*A copy of this notice MUST be returned with the reply.*

---

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

Mar 16 05 11:40a DONALD LENKSZUS  
03/15/2005 23:48 6237889757480-575-1321  
THE WILES COMPANIESP.5  
PAGE 85

PTO/SB/61 (09-03)

Approved for use through 11/20/2008. OMB 0551-0035  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM

Application Number	10/763,449
Filing Date	01/27/2004
First Named Inventor	WILLIAM A WILES
Title	HELMET HEAD CUSHION
Art Unit	3766
Examiner Name	
Attorney Docket Number	WILES-003

I hereby appoint:

 Practitioners associated with the Customer Number:

OR

 Practitioner(s) named below:

Name	Registration Number
DONALD J LENKSZUS	28,098

as my(our) attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The address associated with the above-mentioned Customer Number:

OR

 The address associated with Customer Number:

OR

<input checked="" type="checkbox"/>	Firm or Individual Name	DONALD J LENKSZUS
Address	PO BOX 3084	
Address		
City	CAREFREE	State AZ
Country	USA	Zip 85377
Telephone	602-463-2010	Fax 480-575-1321

I am the:

 Applicant-Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/61)

## SIGNATURE of Applicant or Assignee of Record

Name	WILLIAM A WILES
Signature	<i>William A. Wiles</i>
Date	03/16/2005

Telephone 803-780-6874

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple  
signatures if more than one signature is required, see below. Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.81 and 1.89. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office: U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DRAFT FEE OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Page 1 of 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Advanced Technology for Patents  
 1100 Dulany Street, Alexandria, Virginia 22313-1250  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/765,449	01/27/2004	William A. Wiles	WILES-005

CONFIRMATION NO. 8575  
 ABANDONMENT/TERMINATION  
 LETTER  
  
 \*OC000000015424089\*

Date Mailed: 03/10/2005

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/16/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 612); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Page 2 of 2

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

---

*A copy of this notice **MUST** be returned with the reply.*

*Z - Magws*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Notice of Abandonment**

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 08/15/04.

**Petition to Withdraw the Holding of Abandonment**

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

**Petition to Revive an Abandoned Application**

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center  
Initial Patent Examination Division • 703-308-1202

*Attorney's Docket No: WILES-005*

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: :  
WILLIAM A WILES :  
Filed: 01/27/2004 : Group: 3785  
Title: HELMET HEAD CUSHION  
Serial No.: 10/765,449

Office of Petitions  
Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.137(A) and REQUEST FOR  
RECONSIDERATION OF DECISION  
STATEMENT IN SUPPORT OF PETITION**

Applicant hereby requests reconsideration of the Decision dismissing the Petition. In support of this request, the undersigned makes the following statement:

1. The official filing receipt and Notice of Missing Parts were not received by the undersigned until the undersigned contacted OIPE after receiving the Notice of Abandonment on or about March 16, 2005.
2. The undersigned attests that he has searched the file jacket of the application and the docket records. The search reveals that neither the Filing Receipt or the Notice of Missing Parts was received prior to March 16, 2005. The docket record where the non-received communication would have been entered had it been received and docketed is attached as Attachment A.

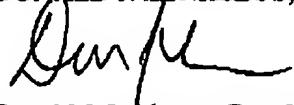
Each communication received from the USPTO is scanned into an electronic filing system upon receipt. A duplicate pdf copy of any USPTO communication requiring a response is also entered into an electronic docket record that is attached as Attachment A.

3. The undersigned is a sole practitioner and has no employees and therefore has first hand knowledge of all communications that would have been received. The undersigned

maintains the electronic docket of such communications and has first hand knowledge of all docket entries.

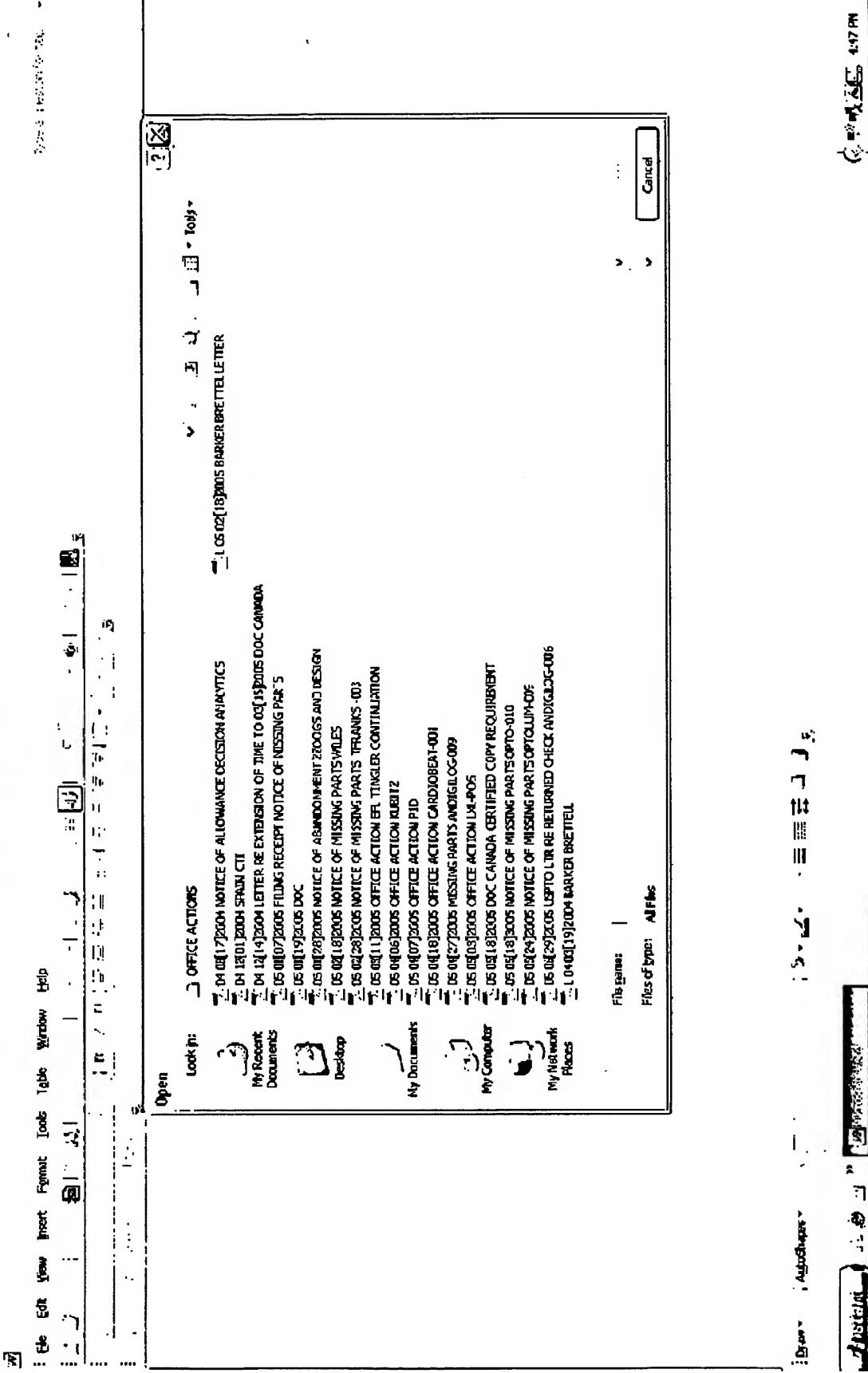
Respectfully submitted,  
DONALD J. LENKSZUS, P.C.

Dated: July 18, 2005

  
Donald J. Lenkszus, Reg. No. 28,096  
P.O. Box 3064  
Carefree, AZ 85377-3064  
Telephone: (602) 463-2010  
Facsimile: (480) 575-1321

**ATTACHMENT A**

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